PAGE 10

AMENDMENT AND RESPONSE

Serial No.: 09/696,462

Filing Date: October 25, 2000 Attorney Docket No. 100,134US01

Title: PROTECTION SWITCHING OF VIRTUAL CONNECTIONS AT THE DATA LINK LAYER

## REMARKS

Applicant has reviewed the Final Office Action mailed on December 28, 2004 as well as the art cited. Claims 14-19 and 35-37 stand rejected and herein have been canceled. Claims 1-13, 20-34 and 38-39 are allowed.

Applicant has canceled rejected Claims 14-19 and 35-37 to further the application to issue into a patent. The cancellation of these claims should not be construed in any way to be an admission of the non-patentability of the claims by the Applicant. Accordingly, the Applicant retains the right to re-introduce the canceled claims in a continuation application.

## CONCLUSION

Applicant respectfully submits that claims 1-13, 20-34 and 38-39 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1690.

Data: 7. 29 mar

Scott V. Lundberg Reg. No. 41,958

Respectfully submitted,

Attorneys for Applicant Fogg and Associates, LLC P.O. Box 581339 Minneapolis, MN 55458-1339 T - (612) 332-4720 F - (612) 332-4731